

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

MONDAY MAY 22, 1989
AT 2:00 P.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:08 p.m.
Mayor O'Connor adjourned the meeting at 4:56 p.m. into Closed
Session on Tuesday, May 23, 1989 at 9:15 a.m. in the twelfth floor
conference room to discuss pending and potential litigation and meet
and confer issues.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksmma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (tm)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-not present
- (4) Council Member Pratt-present
- (5) Council Member Struiksmma-not present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-10: INVOCATION

Invocation was given by Pastor Donnie McGriff of the
Christ Temple Apostolic Church.

FILE LOCATION: MINUTES

May-22-1989

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Pratt.

FILE LOCATION: MINUTES

May-22-1989

ITEM-30: WELCOMED

Welcoming a group of four associate graduate students from the University of California San Diego IMCAP program.

This group will arrive at approximately 2:00 p.m.

(District-1.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A155-163.)

ITEM-31: GRANTED HEARING FOR JUNE 13, 1989 AT 10:00 A.M.

Matter of the request of La Jolla Community Planning Association, by Jay Wharton, President, for a hearing of an appeal from the decision of the Planning Commission in approving La Jolla Special Use Permit Case-88-0319, which proposes to construct a three-story six-unit apartment building over one level of underground parking garage. A variance is requested to allow both pitched and flat roofs which is in conflict with the bonus residential development requirement for "pitched roofs and other roof designs to reduce the appearance of bulk and create an appearance compatible with surrounding development." A variance to allow an average of 200 square feet of private space per unit in lieu of a required 200 square feet per unit is also requested.

The subject property, 7572-7580 Eads Avenue, is located at the southwest corner of Eads Avenue and Silver Street and is further described as Lots 39 and 40, Block 10 of La Jolla Park, in Zone 5 in the La Jolla Community Plan area. (Case-88-0319. District-1.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM - LaJolla Special Use Permit
Case-88-0319

COUNCIL ACTION: (Tape location: A049-086.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING BASED ON CITY-WIDE SIGNIFICANCE. Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea,
Mayor O'Connor-yea.

ITEM-32: DENIED HEARING

Matter of the request of Sami G. Marini, for a hearing of
an appeal from the decision of the Planning Director in
denying Early Release Single-Family Neighborhood
Protection Ordinance, Case-89-3010, proposing to determine
if the property at 1931-1939

Chalcedony, in Zone R-1500 (Multi-Family), in the Pacific
Beach Community Plan area, is located within a
single-family neighborhood. The subject property is
further described as Lots 3 and 4 of Picard Terrace,
Map-2685.

(Case-89-3010. District-6.)

A motion granting or denying the request for a hearing of
the appeal.

FILE LOCATION: ZONE ERSFNPO Case-89-3010

COUNCIL ACTION: (Tape location: A163-214.)

MOTION BY HENDERSON TO DENY THE HEARING. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-33: DENIED HEARING

Matter of the request of Timothy Kirchberg, for a hearing
of an appeal from the decision of the Planning Director in
denying Early Release Single-Family Neighborhood
Protection Ordinance Case-89-3031, to determine if the
property at 1460 Chalcedony, in Zone R-1500
(Multi-Family), in the Pacific Beach Community Plan area,
is located within a single-family neighborhood. The
subject property is more particularly described as Lots 25
and 26 of Block 109 of Pacific Beach Subdivision.

(Case-89-3031. District-6.)

A motion granting or denying the request for a hearing of
the appeal.

FILE LOCATION: ZONE ERSFNPO - Case-89-3031

COUNCIL ACTION: (Tape location: A519-593.)

MOTION BY HENDERSON TO DENY THE HEARING. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-34: GRANTED HEARING

Matter of the request of Dr. and Mrs. Nicholas L. Schenck, by Philip D. Oberhansley of Gray, Cary, Ames & Frye, for a hearing of an appeal from the decision of the Planning Commission in granting Valdes Partnership Coastal Development Permit Case-88-1108, which proposes a 5,896 square foot single-family residence with a built-in three-car garage. Variances are requested to allow a 0'0" front yard setback where 15'0" is required; 4'0" side yard setback where 5'0" is required and a 38'0" wide driveway where a maximum 25'0" is permitted. The 14,743 square foot project site is located on Valdes Drive, in Zone R1-8000 HRO, in the La Jolla Community Plan area and is further described as Lot 28 of Ludington Heights, Map-2025. (Case-88-1108. District-1.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM CDP Case-88-1108

COUNCIL ACTION: (Tape location: B003-023.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-50: (O-89-199) ADOPTED AS ORDINANCE O-17302 (New Series)

Amending Chapter III, Article 3, of the San Diego Municipal Code by amending Section 33.4308, relating to Regulations of Money Exchange Houses.

(Introduced on 5/8/89. Council voted 8-0. Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B066-071.)

CONSENT MOTION BY MCCOLL TO DISPENSE WITH THE READING AND ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-51: (O-89-208) ADOPTED AS ORDINANCE O-17303 (New Series)

Amending Chapter V, Article 1, of the San Diego Municipal Code by adding Division 10, Sections 51.1001 through 51.1014, relating to the use of Police Services at Large Parties, Gatherings or Events on Private Property, to enable the City to recover costs up to \$500 resulting from police response to loud party type disturbance calls. (Introduced on 5/8/89. Council voted 8-0. Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B066-071.)

CONSENT MOTION BY McCOLL TO DISPENSE WITH THE READING AND ADOPT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-52: (O-89-215) ADOPTED AS ORDINANCE O-17304 (New Series)

19890522

Amending Chapter VI, Article 6, Division 1, of the San Diego Municipal Code by amending Sections 66.0112, 66.0124, 66.0125 and 66.0126, relating to Refuse Disposal, to revise refuse collection, transportation, disposal and license fees and landfill disposal regulations. (Introduced on 5/8/89. Council voted 8-0. Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B066-071.)

CONSENT MOTION BY McCOLL TO DISPENSE WITH THE READING AND ADOPT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-89-1983) ADOPTED AS RESOLUTION R-273495

Awarding a contract to Pressley Peterbilt for the purchase of one heavy duty recovery truck (Peterbilt

Model 378 Cab and Chassis with a Vulcan Model 940 Wrecker Body), for a total cost of \$160,613.42, including tax and terms. (BID-0502/89)
Aud. Cert. 8900945.

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-89-1987) ADOPTED AS RESOLUTION R-273496

Awarding a contract to San Diego Precast Concrete, Inc. for the purchase of 200 concrete fire rings, for a total cost of \$29,532, including tax. (BID-0550/89)
Aud. Cert. 8900943.

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-89-1988) ADOPTED AS RESOLUTION R-273497

Awarding a contract to Chem Serv Environmental Co. for the rental of operated hydroblasting/hydrodemolition equipment for use on the Sports Arena Blvd. bridge for a total estimated cost of \$27,300. (BID-0636/89)
Aud. Cert. 8900950.

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-89-1984) ADOPTED AS RESOLUTION R-273498

Awarding a contract to Unistrut Los Angeles for furnishing a break-away sign support system, as may be required for a period of one year beginning May 1, 1989 through April 30, 1990, for an estimated cost of \$119,110.47, including tax and terms, with an option to

renew the contract for two additional one year periods.
(BID-0561/89)

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104: (R-89-1989) ADOPTED AS RESOLUTION R-273499

Awarding contracts to C. R. Jaeschke, Inc. and Pacific Products, Inc. for the purchase of major lawn equipment at a total cost of \$133,865.77, including tax, as follows:
(BID-0556/89)

1. C. R. Jaeschke, Inc., for Item 1 - two Seven Gang Mowers.
2. Pacific Products, Inc., for Item 2 - Two Five Gang Mowers.

Aud. Cert. 8900946.

FILE LOCATION: MEET CONTFY89-2

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105: (R-89-1985) ADOPTED AS RESOLUTION R-273500

Awarding contracts to Allied Barricade Company, Inc. and Trench Plate Rental Co. for misc. trench plate rentals, as may be required for a period of one year beginning April 25, 1989 through April 24, 1990, at an estimated cost of \$31,200, including terms, as follows: (BID-0601/89)

1. Allied Barricade Company, Inc. - Primary contract with options to renew the contract for four additional one year periods, option year price increases not to exceed the prices in effect at the end of the previous contract year by more than ten percent.
2. Trench Plate Rental Co. - Second "Back-up" contract with options to renew the contract for four additional one year periods, with no price increases in the first two option years and maximum 6 percent and 4 percent price increases in the third and fourth option years, respectively.

FILE LOCATION: MEET CONTFY89-2

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106: (R-89-1980) ADOPTED AS RESOLUTION R-273501

Awarding a contract to Riedel Omni Products, Inc. for the purchase of 216 linear feet of rubber railroad crossing material, for a total cost of \$40,632.04, including tax, terms and freight. (BID-0557/89)
(District-5.)

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-89-1992) ADOPTED AS RESOLUTION R-273502

19890522

Inviting bids for the Construction of West Miramar Solid Waste Disposal Facility Phase 1 - Contract 4 on Work Order No. 118784; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$253,013 from Capital Outlay Fund 302453, CIP-37-055.4, West Miramar Refuse Disposal Facility - Phase I, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-0687/89)
(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This project provides for the continuing development of West Miramar Landfill - Phase I. The proposed work includes the realignment of 1000 feet of the entrance road, a reinforced concrete pipe culvert, and related work, to complete the access road into the West Miramar Solid Waste Disposal Facility. This section of road no longer meets traffic engineering standards due to an increase in traffic volume entering the landfill. This entrance road must be realigned to provide a safe traffic-way to the disposal site. Aud. Cert. 8900939.

FILE LOCATION: W.O. 118784 CONT-Sim J. Harris Co CONTFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108: (R-89-1990) ADOPTED AS RESOLUTION R-273503

19890522

Inviting bids for the Construction of Seismic Retrofitting to Pacific Highway Over Washington Street, Contract No. 4 on Work Order No. 119243; authorizing the execution of a contract with the lowest responsible bidder; directing the City Auditor and Comptroller to allocate \$10,000 from Capital Outlay Fund 30245, CIP-53-0357, Annual Allocation - Earthquake Restrainer for Bridges, for the purpose of compensating the AT&SF Railway Company for protection of railroad facilities during construction per C and M Agreement, Contract No. 61275, and upon advice from the administering department, to return excess funds to CIP-53-0357, Annual Allocation - Earthquake Restrainers for Bridges; authorizing the expenditure of funds not to exceed \$220,000 from Capital Outlay Fund 30245, CIP-53-037, Annual Allocation - Earthquake Restrainers for Bridges, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-0684/89)

(Midway/Pacific Highway Corridor Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This project will provide for seismic retrofit improvements to two City bridges, Pacific Highway over Washington Street and the Upas Street pedestrian overcrossing. Principal design features include (1) construction of concrete abutment pedestals, (2) confinement of concrete columns, and (3) installation of expansion joint restrainer assemblies. This is the fourth of several construction projects proposed to increase the seismic resistance of City bridges to today's state-of-the-art in regard to structural stability during a strong earthquake. Design of all bridges has been completed and construction will be scheduled as funds become available.
Aud. Cert. 8900920.

FILE LOCATION: W.O. 119243 CONT - F.T. Ziebarth Co. CONTFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-109: (R-89-1991) ADOPTED AS RESOLUTION R-273504

Inviting bids for the Rancho Bernardo Branch Library Parking Lot on Work Order No. 119091; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Manager and City Auditor and Comptroller to add CIP-35-090, Rancho Bernardo Branch Library Parking Lot Expansion, to the Fiscal Year 1989 Capital Improvements Program; authorizing the City Auditor and Comptroller to transfer \$46,000 from Capital Outlay Fund 302453, CIP-90-245, Capital Outlay Fund Unallocated Reserve, to CIP-35-090, Rancho Bernardo Branch Library Parking Lot Expansion; authorizing the expenditure of funds not to exceed \$46,000 from CIP-35-090, Rancho Bernardo Branch Library Parking Lot Expansion, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-0686/89)

(Ranch Bernardo Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Rancho Bernardo Library is 8,000 sq. ft. in size and has 32 parking spaces (1 parking space/250 sq. ft. of library area). The number of parking spaces is inadequate to meet the demand for the library throughout the average day and the single driveway often causes traffic to backup into the street. The proposed parking lot expansion would increase the number of parking spaces to 45 (1 parking space/178 sq. ft. of library area), and will provide improved vehicular circulation through the parking lot, including a drive-by book drop.

Aud. Cert. 8900918.

FILE LOCATION: W.O. 119091 CONTFY89-1

COUNCIL ACTION: (Tape location: B087-097.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-89-1820) ADOPTED AS RESOLUTION R-273505

Readvertising for bids for the Point Loma Wastewater Treatment Plant - Chemical Feed System Upgrade; authorizing the execution of a contract with the lowest responsible bidder. (BID-0208/89A)

(See City Manager Report CMR-89-158. Prime construction contract \$780,000. Harbor Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Odor removal systems using caustic soda and hydrogen peroxide are located at various places throughout the Point Loma Wastewater Treatment Plant. These chemicals are fed via pipelines from a central chemical handling and storage facility. The pipelines have deteriorated and are leaking due to the harsh environment and the nature of the chemicals being transported. An engineering study has been completed which designed an accessible concrete duct system and also proposed to replace the existing lines with materials better able to withstand such severe service. By previous Council action the expenditure of \$956,000 from the Sewer Revenue Fund 41506 was authorized for this project. The Council determined that the lowest bidder has failed to put forth a good faith effort to obtain minority and women subcontractors. Therefore, all bids were rejected by action taken on May 2, 1989. Council is requested to authorize the Purchasing Agent to readvertise for bids and the City Manager to award a contract to the lowest responsible bidder.

Aud. Cert. 8900373.

WU-P-89-140.

FILE LOCATION: W.O. 122417 (BID-0208/89A) CONTFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-111: (R-89-1986) CONTINUED TO MAY 30, 1989

Rejecting the bids received on March 15, 1989 for Standley Community Park Additional Improvements (BID-0425/89A); inviting bids for the above work; authorizing the City Manager to execute a contract with the lowest responsible bidder.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Bids for the Standley Community Park Additional Improvements project were opened on

March 15, 1989. Four valid bids were received. The lowest bid was \$50,500 (31.8 percent) over the estimate of \$158,700. An analysis of the bids indicates that the consultant's estimate was low on all the items of work. Redesign of the plans would not produce significantly lower bids. Some of the work must be deleted. The Park and Recreation Department has met with the University City Recreation Council to obtain their input on prioritization of the work. The bid proposal will be modified to provide deductive alternates reflecting the community's prioritization.

This will enable us to provide the maximum improvement that the project budget will allow.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: B097-292.)

MOTION BY WOLFSHEIMER TO CONTINUE FOR ONE WEEK TO CONFER WITH THE CITY ATTORNEY. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-89-2184) ADOPTED AS RESOLUTION R-273506

Declaring Security National, Ltd. to be in default of the terms and conditions of the Subdivision Improvement Agreement filed in the office of the City Clerk on July 22, 1985, Document RR-263719, relating to the improvement of Skyline Park; declaring that the City Attorney shall cause notice of this declaration of default to be given to Security National, Ltd. and to Vernon Savings and Loan Association; authorizing the City Manager to complete, or cause to be completed, said public work and improvements.

(South Bay Terrace Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: On July 22, 1985, the City entered into an agreement with Security National Ltd., for the construction of improvements for Skyline Park subdivision. The agreement expired on July 22, 1987, with the subdivision improvements only 50 percent completed. The subdivider has had financial difficulty and the property has been taken over by F.S.L.I.C. In order to assure the completion of all the improvements covered by the agreement, it is necessary to initiate default action. In accordance with Section III of Council Policy 600-21, it is recommended that the subdivider be declared in default and that the City Attorney be directed to institute default proceedings.

FILE LOCATION: SUBD - Skyline Park

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-113:

Two actions relative to Tierrasanta Norte Park agreement and street dedication:

(Located southwesterly of Antigua Boulevard and Via Valarta. Tierrasanta Community Area. District-7.)

Subitem-A: (R-89-2137) ADOPTED AS RESOLUTION R-273507

Setting aside certain City-owned land in the Tierrasanta community which has been conveyed to the City by the Federal government; dedicating said land as and for a public street and naming the same Antigua Boulevard.

Subitem-B: (R-89-271) ADOPTED AS RESOLUTION R-273508

Authorizing the execution of an agreement with Tierrasanta L-L Partnership, for FBA credits for street improvements adjacent to Tierrasanta Norte Park.

CITY MANAGER SUPPORTING INFORMATION: In connection with the Final Map of Tierrasanta Norte II Unit No. 4, per Tentative Map Resolution No. 5339, Item No. 14, the subdivider was required to enter into an agreement satisfactory to the Park and Recreation Director to provide certain street and utility improvements on Antigua Boulevard adjacent to Tierrasanta Norte Park. At the time the final map was approved by City Council on September 26, 1988, the subdivider had not been able to acquire the right-of-way for Antigua Boulevard. The City has purchased the land in fee from the Federal government, with funds provided by the subdivider and is now dedicating the land as Antigua Boulevard. The proposed agreement will give F.B.A. credits to the subdivider in the amount of \$56,982 in exchange for completion of the public improvements in Antigua Boulevard necessary to serve the park site. The execution of this agreement is in accordance with the Tierrasanta Norte Development Agreement approved by the City Council on October 6, 1988.

FILE LOCATION: DEED F-4923 SUBD-Tierrasanta Norte II Unit NO. 4 CONFY89-1 DEEDFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by

the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-114: (R-89-2174) ADOPTED AS RESOLUTION R-273509

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$6,600 from PSD Fund No. 14000 to CIP-23-404.2, Lake Murray Community Park Development, Phase II; authorizing the expenditure of an amount not to exceed \$6,600 from CIP-23-404.2, PSD Fund No. 14000, to augment the financing for this project previously authorized by Resolution R-269486, dated October 19, 1987.

(Navajo Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: The construction of Lake Murray Community Park - Phase II Improvements, was completed and accepted by the City on January 27, 1989. The project provided eight tennis courts and an oiled access road at this partially developed community park, located on Murray Park Drive in the Navajo Community. The project's budget has about \$2,000 remaining and the project has about \$8,600 in additional costs. There are two construction change orders (\$7,600) which were necessary to complete the project. The two change orders provided a sand coating over the previously oiled roadway and an electrical service for the tennis clubhouse. City engineering charges will be about \$1,000 over the estimate.

Aud. Cert. 8900933.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-115: (R-89-2134) ADOPTED AS RESOLUTION R-273510

Excusing Council Member J. Bruce Henderson from the Public Facilities and Recreation meeting on April 12, 1989 and the Council workshop on April 13, 1989 due to other City business.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea,

Filner-yea, Mayor O'Connor-yea.

* ITEM-116: (R-89-2170) ADOPTED AS RESOLUTION R-273511

Excusing Mayor Maureen O'Connor from attending the regularly scheduled meeting of the City Council on April 11, 1989, due to official City business in Sacramento before the State Senate Energy and Public Utilities Committee; excusing Mayor O'Connor from attending the May 1, 1989 meetings of the City Council and Housing Commission, due to vacation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-117: (R-89-2229) ADOPTED AS RESOLUTION R-273512

Excusing Mayor Maureen O'Connor from attending the regularly scheduled Council meetings of May 8, 9, 15, and 16, 1989; the Housing Commission meeting of May 15, 1989; and the Rules Committee meeting of May 17, 1989, due to vacation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-118: (R-89-2172) ADOPTED AS RESOLUTION R-273513

Excusing Council Member Abbe Wolfsheimer from attending the Special Council Committee of the Whole meeting on May 3, 1989 to attend to other official City business regarding the Transportation Demand Management Subcommittee.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-119: (R-89-2116) ADOPTED AS RESOLUTION R-273514

Prohibiting commercial vehicles with a gross vehicle weight rating of over 10,000 pounds from operating on Semillon Boulevard between Pomerado Road and Birch Bluff Avenue; authorizing the installation of the necessary signs and markings; declaring that the hereinabove imposed regulations shall become effective upon the installation of such signs.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The start of construction on Pomerado Road, north of Semillon Boulevard, will alter the present accommodation of authorized traffic through a temporary gate monitored by a security guard. At times when the construction activities on Pomerado Road render the route impassible to these vehicles, an alternate route through Poway is to be used. To assure that heavy truck traffic will not attempt to travel east from Pomerado Road on Semillon Boulevard in search of an alternate route through residential neighborhoods, a 5-ton gross vehicle weight truck limit is recommended to be established on Semillon Boulevard between Pomerado Road and Birch Bluff Avenue.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B292-323.)

MOTION BY STRUIKSMA TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-120:

Two actions relative to the construction of the Black Mountain Park Nature Trails project:
(Penasquitos East Community Area. District-1.)

19890522

Subitem-A: (R-89-2168) ADOPTED AS RESOLUTION R-273515

Authorizing the execution of an agreement with the California Conservation Corps for construction of the Black Mountain Park Nature Trails project; authorizing the expenditure of an amount not to exceed \$84,000 from CIP-20-010.3, Annual Allocation Resource Based Open Space Parks, Environmental Growth Fund No. 10505, for the purpose of providing funds for the above project; authorizing the City Auditor and Comptroller to transfer excess funds, if

any, to the appropriate reserve upon advice of the Park and Recreation Director.

Subitem-B: (R-89-2169) ADOPTED AS RESOLUTION R-273516

Certifying that the information contained in the Mitigated Negative Declaration to Environmental Negative Declaration END-88-0357, issued in connection with Black Mountain Park Nature Trails Project, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: Black Mountain Park presently consists of 240 acres of land located on the north side of Black Mountain in the Penasquitos East Community. This proposed agreement with the California Conservation Corps (C.C.C.) will provide the services necessary for the construction of approximately 4,500 feet of new nature trails, 2,900 feet of trail renovation, 2,400 feet of trail closing and revegetation and all labor to install trail markers and site clean up. The proposed improvements have been approved by the Rancho de los Penasquitos Planning Board and the Rancho Penasquitos Recreation Council.

Aud. Cert. 8900927.

FILE LOCATION: MEET
CONTFY89-1

COUNCIL ACTION: (Tape location: B323-342.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-121:

Two actions relative to Lease approval - Indochinese Mutual Assistance Association of San Diego - Old Linda Vista Library:
(Linda Vista Community Area. District-5.)

Subitem-A: (R-89-1726 Rev. 1) ADOPTED AS RESOLUTION
R-273517

Authorizing the City Manager to execute a 5-year lease agreement with the Indochinese Mutual Assistance Association of San Diego to develop and operate the Old Linda Vista Library at 6960 Linda Vista Road as a public community center for a monthly rental of \$50.

Subitem-B: (R-89-1727) ADOPTED AS RESOLUTION R-273518

Adoption of a Resolution certifying that the information contained in the Environmental Negative Declaration END-88-0401 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: Council previously approved the application of the Indochinese Mutual Assistance Association of San Diego (IMAA) for \$50,000 in Community Development Block Grant Funds. The purpose of the \$50,000 grant to this nonprofit organization is for renovation and operation of the former Linda Vista Branch Library as a public community center. This 4,030-square-foot building was made available by the public library's move to a new and larger building. IMAA's programs will be directed primarily to senior citizens and will include health, education, and nutrition programs, cultural activities, and meal service. IMAA has obtained a Conditional Use Permit for this type of use of the property. The Property Department has negotiated the required lease agreement with IMAA. The term of the lease will be 5 years at a monthly rental of \$50. IMAA will supplement the \$50,000 grant with \$5,000 of its own funds to cover the cost of remodeling the 38-year-old building. The remodeling work will be controlled by a City-approved development plan. IMAA will maintain the property and operate the community programs at no expense to the City.

FILE LOCATION: LEAS - Indochinese Mutual Assistance Association of San Diego LEASFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-122: (R-89-2131) ADOPTED AS RESOLUTION R-273519

Authorizing the execution of a 5-year concession permit agreement with Ocean Boards International, Inc. for the operation of a beach equipment rental concession at various City beach locations, at a concession fee of 25 1/2 percent of gross income or \$11,000 annual minimum rent, whichever is greater.

(See City Manager Report CMR-89-215. La Jolla, Pacific Beach, Mission Beach and Ocean Beach Community Areas.

Districts-1, 2 and 6.)

COMMITTEE ACTION: Reviewed by PFR on 5/10/89.

Recommendation to approve the City Manager's recommendation to authorize execution of the concession permit. Districts 1, 5, 6 and 7 voted yea. District 8 not present.

FILE LOCATION: LEAS - Ocean Boards International, Inc.
LEASFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-123: (R-89-2136) ADOPTED AS RESOLUTION R-273520

Authorizing the execution of an agreement with Rick Engineering Company to prepare a hydrographic survey map of Lake Morena; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$65,310 from the Water Reserve Fund No. 41502, Unallocated Reserve No. 70679 to the Water Operating Fund No. 41500, Water Engineering Program No. 70314; authorizing the expenditure of an amount not to exceed \$65,310 from the Water Operating Fund No. 41500, Water Engineering Program No. 70314, for the purpose of providing funds for the above agreement.

CITY MANAGER SUPPORTING INFORMATION: Morena Reservoir was constructed in 1912 and purchased by the City in 1914 for water supply. In 1970, the County purchased the reservoir property to operate a recreation program. Due to recent public questions on our operations at Lake Morena, and to estimate the quantity of sedimentation, Rick Engineering conducted a preliminary hydrographic (underwater) survey. Under this survey, profiles along two lines of the lake bottom were developed. Analysis of the profiles indicated a layer of silt averaging from about twenty to possibly thirty feet above original lake bottom. This amount of siltation could be up to five percent of the total volume capacity of the lake. A more accurate estimate could be obtained by developing a complete hydrographic map of the lake. Rick Engineering had the lowest bid of \$3,000 to perform the preliminary survey and was authorized to proceed. It is desirable to implement the underwater survey as soon as possible. Therefore, the Water Utilities Department recommends that Rick Engineering additionally conduct a complete underwater survey of the lake bottom, as a follow up to their preliminary work. Three firms and Rick Engineering were evaluated to

perform the complete survey. Rick Engineering had the lowest cost and also had the most expertise. The final product will enable us to better operate the reservoir, and will also determine the amount of sedimentation that has occurred at this site. This will help us to determine first how much of a problem the siltation is and evaluate whether it is economically feasible to remove the siltation. New area-capacity tables will be produced from this information.

Aud. Cert. 8900928.

WU-U-89-088.

FILE LOCATION: MEET CCONFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-124: (R-89-2182) ADOPTED AS RESOLUTION R-273521

Authorizing the execution of a second amendment to the lease agreement with Seaforth Sportfishing Corporation , whereby the lessee will pay the City 50 percent of commissions received from coin-operated telephones and ten percent from all other telephone operations on the leased premises in Mission Bay Park.

(Mission Bay Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The current lease agreement with Seaforth Sportfishing Corporation provides that the lessee pay the City 10 percent of gross income when telephone revenues exceed \$500 per month. A City audit of the lessee on February 1988 indicated that the lessee paid more money to the City than what it actually made from commissions paid to the lessee from the telephone company. In the spirit of fairness, it is therefore proposed that the percentage from coin-operated telephones be changed to 50 percent of the commissions received by the lessee from income of these telephones. This percentage is the same as other lessees in Mission Bay, and is felt to be a reasonable return to the City for this use.

FILE LOCATION: LEAS - Seaforth Sportfishing Corporation
LEASFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea,

Filner-yea, Mayor O'Connor-yea.

ITEM-150: (R-89-2183) ADOPTED AS RESOLUTION R-273522

Authorizing the execution of an amendment to the sublease agreement with Evergreen Distributors, Inc. deleting 35 acres from the leased premises, to be used by the Water Utilities Department as the site of the San Pasqual Water Reclamation Facility, and adding 39 acres of adjacent land to the leasehold for the relocation of the nursery stock removed from the proposed water reclamation site; authorizing the expenditure of amounts not to exceed \$198,675 from Water Revenue Fund 41502, and \$198,676 from Sewerage Utility Revenue Fund 41506, for a total expenditure of \$397,351 for the Capital Improvements Program Project, San Pasqual Water Reclamation Facility (CIP-73-290.0 and CIP-46-151.0); for the purpose of reimbursing Evergreen Distributors, Inc. \$361,351 for costs relating to relocation from the water reclamation site to adjacent land previously subleased to Mr. Froehlich and Mr. Dickson; \$24,000 to Mr. Froehlich, and \$12,000 to Mr. Dickson for the loss of their improvements; terminating the Evergreen Distributors, Inc. lease agreement for the 100-acre parcel in San Pasqual Valley effective March 31, 1989.

(See City Manager Report CMR-89-219. San Pasqual Valley Community Area. District-1.)

COMMITTEE ACTION: Reviewed by PFR on 5/10/89. No action taken. Forwarded to the full Council with direction to the City Manager to provide information on the chronology of events related to the relevant parcels. Districts 5, 6 and 7 voted yea. Districts 1 and 8 voted nay.

Aud. Cert. 8900937.

FILE LOCATION: LEAS - Evergreen Distributors, Inc.
LEASFY89-1

COUNCIL ACTION: (Tape location: B453-C370.)

MOTION BY HENDERSON TO ADOPT STAFF'S RECOMMENDATION. Second by Struiksma. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-200:

(Continued from the meetings of March 20, 1989, Item 54, April 11, 1989, Item 336 and May 8, 1989, Item 200; last continued at Council Member McColl's request, to allow the

City Attorney to amend the language of the Roberti Bill and bring it back to Council as an emergency ordinance along with the present proposed ordinance while awaiting action by the State legislature.)

Two actions relative to the Prohibition of Sale or Possession of Assault Weapons:

Subitem-A: (O-89-183) NOTED AND FILED

Adoption of an Ordinance amending Chapter V, Article 3, of the San Diego Municipal Code, by adding Section 53.32, relating to the Prohibition of Sale or Possession of Assault Weapons.

(Introduced as amended on 2/27/89 with three changes:

(1) Supporting State Legislation; (2) Police Training;

(3) Returning of Weapons. Council voted 7-2. Districts 5 and 6 voted nay.)

Subitem-B: (O-89-227 Rev.) INTRODUCED, TO BE ADOPTED
JUNE 5, 1989

Introduction and adoption of an Emergency Ordinance amending Chapter V, Article 3, of the San Diego Municipal Code by adding Section 53.32, relating to the Prohibition of Sale or Possession of Assault Weapons.

NOTE: Six votes required.

FILE LOCATION:

Subitem-A - MEET

COUNCIL ACTION: (Tape location: C370-D297.)

MOTION BY McCOLL TO NOTE AND FILE SUBITEM-A AND INTRODUCE

SUBITEM-B. Second by McCarty. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,

Struiksma-nay, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-201: (R-89-2069) ADOPTED AS RESOLUTION R-273523

Authorizing and directing the City Manager to declare the month of June 1989 as Amnesty Month for the City of San Diego parking citation penalties; authorizing the City Manager and the City Treasurer to allow violators with outstanding parking citations issued through and including June 30, 1989 to discharge any indebtedness due the City upon the payment of the face amount of each such citation, and to waive any additional penalties imposed by San Diego

Municipal Code Section 82.07 for the nonpayment of the citations within the first 30 days following issuance; authorizing the City Auditor and Comptroller to make appropriate notations in the City's financial records regarding the discharge of each parking citation upon compliance by the registered owner with the above procedures.

(See City Manager Report CMR-89-216.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-519.)

MOTION BY McCOLL TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-202: (R-89-1915) RETURNED TO THE CITY MANAGER

(Continued from the meeting of April 24, 1989, Item 115, at Council Member Roberts' request, for further review.)

Declaring Catalina Boulevard (Frontage Road) between Talbot Street and Loma Land Drive to be a southbound one-way street, pursuant to the provisions of Section 82.19 of the San Diego Municipal Code; authorizing the installation of the necessary signs and markings; declaring that the hereinabove imposed regulations shall become effective upon the installation of such signs.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: Catalina Boulevard between Talbot Street and Loma Land Drive has a frontage road on the west side next to the State Highway 209. The road is 20 feet in width allowing parallel parking on one side and maintaining two-way traffic. This is a single-family residential neighborhood. The request for the one-way conversion is supported by property owners representing 80 percent of the affected property frontage. The petitioners are requesting this action to eliminate potential conflicts with oncoming traffic on this narrow street, while maintaining on-street parking for the residents in the area. In addition, making the street one-way will eliminate conflicts at its intersection with Talbot Street. Based upon the above information, we recommend the requested one-way operation of the Catalina Boulevard frontage road.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: B029-038.)

MOTION BY ROBERTS TO RETURN TO THE CITY MANAGER FOR FURTHER

REVIEW. Second by Struiksma. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-203: (R-89-1438) TRAILED TO TUESDAY, MAY 23, 1989 A.M.

Amending Resolution R-270920, which authorized the retention of Freilich, Stone, Leitner and Carlisle, as counsel, for legal services involving AVCO v. The City of San Diego and ADM Development Associates v. The City of San Diego by increasing the authorized expenditure by \$30,000 to a total of \$80,000; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$30,000 from the General Fund (100) Unallocated Reserve (605) to the Allocated Reserve (901) to supplement Resolution R-270920; authorizing the expenditure of those funds set aside in the Allocated Reserve (901), Resolution R-270920 for purposes of payment of legal fees and costs to Freilich, Stone, Leitner and Carlisle, as counsel, for legal services involving AVCO v. The City of San Diego and ADM Development Associates v. The City of San Diego.
Aud. Cert. 8900629.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: B059-066.)

MOTION BY ROBERTS TO TRAIL TO TUESDAY A.M. AT THE REQUEST OF CITY ATTORNEY WITT TO ALLOW FOR DISCUSSION IN CLOSED SESSION ON TUESDAY, MAY 23, 1989. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-204: (R-89-1948) CONTINUED TO JUNE 26, 1989

(Continued from the meeting of April 24, 1989, Item 117, at Council Member Henderson's request, to direct the Manager to refer the matter to Community Planning Groups.)
Authorizing the execution of a consultant agreement with Jaykim Engineers, Inc., to provide construction documents for Napa Street; authorizing the expenditure of an amount not to exceed \$59,300 from Proposition "A" Fund 30300, CIP-52-430, for the purpose of providing funds for the above project.

(Linda Vista Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: This project will

widen Napa Street from Linda Vista Road to Morena Boulevard, including right-of-way (ROW) acquisition, sidewalks, drainage improvements, and traffic signal modifications at the intersections of Napa Street with Linda Vista Road, and Napa Street with Morena Boulevard. Napa Street is presently a substandard, 40-foot wide, four-lane street with 60 feet of ROW that carries over 19,000 vehicles per day. Preliminary design has been performed by City staff, including lane widths and alignment which will have the least impact on existing commercial property on the easterly side of Napa Street at the lowest estimated project cost. It is now proposed to utilize the services of a consultant to design the detailed plans since City staff are already fully committed to other projects. The consultant would submit right-of-way drawings in late June in order to proceed with property acquisition in FY 1990 as scheduled in the FY 1989 CIP. Detailed plans will be completed about December 1989 in order to advertise and award a construction contract in July 1990 following right-of-way acquisition. Consultants submitted letters of interest, and three firms were interviewed in conformance with Council Policy 300-7. The firm of Jaykim Engineers, Inc., was selected and is hereby recommended to Council for this project. If approved, they would be responsible for the preparation of construction drawings, specifications, and construction cost estimate.

Aud. Cert. 8900837.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: B038-055.)

MOTION BY HENDERSON TO CONTINUE FOR ONE MONTH. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-205: (R-89-1722 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-273524

19890522

(Continued from the meetings of April 10, 1989, Item 120, and May 8, 1989, Item 203; last continued at Ramona Salisbury's request, to allow time for the Rancho Bernardo Planning Board to place the item on its agenda.)
Authorizing the City Manager to extend through July 28, 1991, an option/lease agreement with the Lake Hodges Performing Arts Association, Inc., which grants the Association the exclusive right to lease approximately 30

acres of City-owned land for construction and operation of an outdoor Amphitheater and Regional Performing Arts Center; declaring that the monthly consideration for the option shall be increased for the period commencing February 1, 1989, from \$50 to \$200 per month.

(Rancho Bernardo Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On November 26, 1985 the City Council authorized the execution of a three-year option to lease and lease agreement with the Lake Hodges Performing Arts Association, Inc., for the construction, operation and maintenance of an open air performing arts center in Rancho Bernardo on approximately 30 acres of City-owned (Water Utilities) land. A Conditional Use Permit (CUP) was issued in 1985 and recently extended until 1991. Pursuant to the authority granted to the City Manager in the Option Agreement, the agreement was extended for 60 days until January 30, 1989. The lessee is currently attempting to work out a joint development plan with J. C. Resorts for a golf course and the proposed outdoor performing arts center and has requested an additional extension. The City Manager proposes to extend the Option Agreement until July 28, 1991, terminating simultaneously with the extended CUP. In accordance with the Option Agreement, monthly consideration from the association to the City will be increased from \$50 to \$200 a month during the term of the extension. All of the other terms and conditions of the option will remain the same.

WU-PR-89-113.

FILE LOCATION: LEAS - Lake Hodges Performing Arts Association, Inc. LEASFY89-1

COUNCIL ACTION: (Tape location: D297-443.)

MOTION BY WOLFSHEIMER TO GRANT THE EXTENSION FOR ONE YEAR.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-206: (R-89-2239) ADOPTED AS RESOLUTION R-273525

Council confirmation of the reappointments by the Mayor of Mary Costello, Sue-Mei Yu and Jane Haro, to serve as members of the Advisory Board on Women, for terms to expire on March 1, 1991.

(See memorandum from Mayor O'Connor dated 5/11/89.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-207: (R-89-2238) ADOPTED AS RESOLUTION R-273526

Council confirmation of the reappointments by the Mayor of Judith M. Copeland, E. Percil Stanford and Rosalia Salinas, to serve as members of the Board of Library Commissioners, for terms to expire on March 1, 1991.

(See memorandum from Mayor O'Connor dated 5/11/89.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-208: (R-89-2237) ADOPTED AS RESOLUTION R-273527

Council confirmation of the reappointments by the Mayor of Edwin K. Hom, Naomi F. Zimmerman, and Frances M. Ugoretz to serve as members of the Board of Zoning Appeals for terms to expire on March 1, 1991.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-209: (R-89-2236) ADOPTED AS RESOLUTION R-273528

Council confirmation of the following reappointments by the Mayor to serve as members of the Board of Noise Abatement and Control for terms expiring as indicated: (See memorandum from Mayor O'Connor dated 5/11/89.)

NAME	TERM EXPIRES
James Harrison Watts (Architectural Field)	January 1, 1991
Charles F. Jackson (Audiologist)	January 1, 1990
Dr. Roberto Cueva (Physician)	January 1, 1991

January 1, 1991

January 1, 1990

January 1, 1990

MEET

(Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ADOPTED AS RESOLUTION R-273529

Nominating the following persons for reappointment by the Metropolitan Transit Development Board (MTDB) to serve as members of the San Diego Transit Board, for terms expiring as indicated:

(See memorandum from Mayor O'Connor dated 5/11/89.)

TERM EXPIRES

June 30, 1992

June 30, 1991

June 30, 1992

MEET

(Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

CONTINUED TO MAY 30, 1989

First public hearing in the matter of:

Amending Ordinance No. O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17122-1, as amended and adopted therein, by amending the personnel authorization of the Intergovernmental Relations Department (015) by authorizing one new Council Representative II position; deleting one Intermediate Stenographer position; exempting the newly authorized Council Representative II position from the Classified Service, and establishing a salary rate

therefor.

(See memorandum from Personnel Director dated 5/11/89 and memorandum from Benjamin F. Dillingham III dated 4/24/89.)

NOTE: See Item 336 on the docket of Tuesday, May 23, 1989 for the introduction and adoption of the Ordinance.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: B055-059.)

MOTION BY McCOLL TO CONTINUE FOR ONE WEEK AT THE REQUEST OF MAYOR O'CONNOR. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S400: ADOPTED AS RESOLUTION R-273530

Proclaiming May 21 through May 27, 1989, to be the City observance of "National Public Works Week."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-029.)

MOTION BY McCARTY TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S401: (R-89-2244) ADOPTED AS RESOLUTION R-273531

A Resolution approved by the City Council in Closed Session on Tuesday, May 2, 1989 by the following vote:

Wolfsheimer-yea; Roberts-yea; McColl-yea; Pratt-yea; Struiksma-not present; Henderson-not present; McCarty-yea; Filner-not present; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$122,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the wrongful deaths of Nicola Lococo, Rosalia Lococo and Guiseppina Lococo and the personal injury of Luisa Nigro and Sebastiano Lococo (Superior Court Case No. 551751, Susan A. Lococo, et al. v. City of San Diego, et al., consolidated with Rosalia Crivello et al. v. David Olsen, et al., Superior Court Case No. 551662); authorizing the City Auditor and Comptroller to issue two checks: one in the amount of \$97,000 made payable to Rosalia Crivello as administratrix of the Estate of Nicola Lococo and her attorney of record, Patrick Callahan, and one check in the amount of \$25,000 made payable to Transamerica Annuity

Service Corporation, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of all claims arising out of the incident of December 27, 1984.

Aud. Cert. 8900973.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S402:

(Continued from the meetings of April 10, 1989, Item 109, April 17, 1989, Item S404, and May 15, 1989, Item 201; last continued at Council Member McColl's request, for further review of developer plans by the Planning Department and the City Attorney's office.)

Two actions relative to amended agreements and time extension for Euclid Oaks:

(Located northeasterly of Euclid Avenue and Quince Street. Mid-City Community Area. District-3.)

Subitem-A: (R-89-1850) ADOPTED AS RESOLUTION R-273532

Authorizing an amendment to the Subdivision Improvement Agreement for Euclid Oaks, Document No. RR-257218, to provide for the substitution of Avanti Development, Inc., for Allen Hall Development Corporation, as subdivider; declaring that the public improvements to be constructed pursuant to the subdivision agreement shall be completed by September 30, 1990.

Subitem-B: (R-89-1849) ADOPTED AS RESOLUTION R-273533

Authorizing the execution of an amendment to the Subdivision Improvement Agreement for Euclid Oaks, Document No. RR-257090, to provide for the substitution of Avanti Development, Inc., for Allen Hall Development Corporation, as subdivider; declaring that the public improvements to be constructed pursuant to the subdivision agreement shall be completed by September 30, 1990; accepting Bond No. 113-21-01, issued by Explorer Insurance Company in the amount of \$128,000, as the surety for the required improvements in the subdivision; releasing Bond No.

2SM-563-692, issued by American Motorists Insurance Company, in the amount of \$100,143.

CITY MANAGER SUPPORTING INFORMATION: On September 13, 1982 and September 27, 1982, the City entered into agreements with Allen Hall Development Corporation for the construction of public improvements for Euclid Oaks subdivision (Document No. RR-257090) and the construction of and reimbursement for a 60-inch barrel culvert (Document No. RR-257218-1). The agreements expired on September 13, 1984 and September 27, 1984 respectively. On January 7, 1985 an extension of time was granted to September 13, 1985 by Resolution R-262257 within which to complete the improvements required by the Subdivision Improvement Agreement. The property is now owned by Avanti Development, Inc. The new owner has signed two amended agreements to assume all of the obligations of the original subdivider and complete the required work, as well as receive the reimbursement for the construction of the culvert as specified in the agreement approved by City Council Resolution R-257218. The amended agreements also provide for extensions of time to complete the work to September 30, 1990. The new subdivider has provided a performance bond in the amount of \$128,000 to assure the improvements required of the subdivision. The amended agreement and time extension are in accordance with Council Policy 600-21. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public.

FILE LOCATION: SUBD - Euclid Oaks

COUNCIL ACTION: (Tape location: D443-506.)

MOTION BY McCOLL TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403: (R-89-2181) ADOPTED AS RESOLUTION R-273534

(Continued from the meeting of May 15, 1989, Item 205, at Council Member Wolfsheimer's request, to clarify a few technicalities.)

Commending and accepting the generous offer of \$100,000 from Mr. Edward B. Romanow, Jr. of Westerra Pacific Associates to be used for child care development in the Eastgate Technology Park area; directing the City Manager to work with and negotiate ground lease terms for Lot 1 of Eastgate Technology Park and to return to Council within a

90 day period with recommendations on a course of action which will allow for an additional child care facility to be established in the Eastgate area.

(See City Manager Report CMR-89-225. University City Community Area. District-1.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B342-453.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: (R-89-2117) ADOPTED AS RESOLUTION R-273535

Approving the acceptance by the City Manager of a grant deed of Pardee Construction Company granting to the City a portion of the Southeast Quarter of the Southeast Quarter of Section 30, Township 14 South, Range 2 West, San Bernardino Meridian, for CIP-29-292.0, Hage Neighborhood Park; authorizing the transfer of an amount not to exceed \$940,000 from Mira Mesa Facilities Assessment Fund 79006, and \$200,000 from Mira Mesa Development Fund 39082, to CIP-29-292.0, Hage Neighborhood Park; authorizing the expenditure of an amount not to exceed \$1.14 million from CIP-29-292.0, to supplement the \$1 million authorized by Council Resolution R-272448, adopted November 29, 1988, for acquisition of the above described property and related costs.

(Located on the southwest corner of Capricorn Way and the proposed Western Parkway. Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This project will acquire a 9.062-acre neighborhood park site adjacent to Hage Elementary School in the northeastern portion of Mira Mesa. This park is required to comply with General Plan Standards and is consistent with the Mira Mesa Community Plan. On November 29, 1988, by Resolution R-272448, Council authorized the expenditure of \$1.0 million toward the partial acquisition costs of the site. This additional authorization of \$1.14 million will provide the balance of the funds necessary to acquire the property. Total costs of \$2.14 million include: land - \$2,107,772.50; appraisal - \$3,875; escrow, title and miscellaneous costs - \$28,837.

Aud. Cert. 8900917.

FILE LOCATION: DEED F-4924 DEEDFY89-1

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (R-89-2301) ADOPTED AS RESOLUTION R-273536

Recognizing the efforts and commitment of People for Trees and designating Monday, May 22, 1989 as People for Trees Day in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A086-155.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S406: (R-89-2309) ADOPTED AS RESOLUTION R-273537

Directing the Intergovernmental Relations Department to express the City's support for legislation relating to the San Dieguito River Valley Project to the appropriate State legislators and the Governor; directing the City's lobbyist in Sacramento to continue working with the authors to ensure that San Diego's interests are included in the final language.

(See Intergovernmental Relations Department Report IRD-89-22.)

COMMITTEE ACTION: Reviewed by RULES on 5/17/89.

Recommendation to approve the Intergovernmental Relations Department's recommendation to support SB 546 (Craven) Tidelands; SB 2356 (Sher) Ports; AB 1981 (Farr) Property Taxation; ACA 35 (Farr) Property Taxation; AB 145 (Costa); AB 1416 (Killea) and SB 1053 (Alquist). Districts 2, 3, 4 and 7 voted yea. District 6 and Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S407: (R-89-2323) ADOPTED AS RESOLUTION R-273538

Directing the City's legislative representatives in Washington and Sacramento to take the following actions:

1) Support the concept of requiring double hull construction for new vessels designed to transport oil, as proposed by Congressman Duncan Hunter, encourage his efforts to introduce such legislation, and request that it also address vessels transporting hazardous materials; 2) Support HR 2291 (Packard) which would strengthen Federal requirements for oil spill cleanup operations; 3) Support SB 1194 (Marks) and seek an amendment to include vessels carrying hazardous materials.

(See Intergovernmental Relations Department Report IRD-89-23.)

COMMITTEE ACTION: Reviewed by RULES on 5/17/89.

Recommendation to approve the Intergovernmental Relations Department's recommendations to support proposed legislation by Congressman Duncan Hunter, as amended, and to support HR 2291 (Packard) and SB 1194 (Marks). Districts 2, 3, 4, and 7 voted yea. District 6 and Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S408: (R-89-2308) ADOPTED AS RESOLUTION R-273539

Directing the Intergovernmental Relations Department to express to the appropriate State legislators and to the Governor the City's declared support for AB 1196 (Tanner), Household Hazardous Waste Collection Programs, and AB 1208 (Tanner), Voluntary Hazardous Waste Collection Programs.

(See Intergovernmental Relations Department Report IRD-89-20.)

COMMITTEE ACTION: Reviewed by Rules on 5/17/89.

Recommendation to approve the Intergovernmental Relations Department's recommendation to support AB 1196 (Tanner) and AB 1208 (Tanner). Districts 2, 3, 4 and 7 voted yea. District 6 and Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea,

Filner-yea, Mayor O'Connor-yea.

* ITEM-S409: (R-89-2001) ADOPTED AS RESOLUTION R-273540

Requesting the Federal government to enter into discussions and negotiations with the Republic of Mexico to consolidate all commercial vehicle border crossings on Otay Mesa; respectfully requesting the Federal government to direct the United States Custom Service to cease all operations at the Virginia Street site.

(See Intergovernmental Relations Department Report IRD-89-21. Otay Mesa Community Area. District-8.)

COMMITTEE ACTION: Reviewed by RULES on 5/17/89.

Recommendation to approve the Intergovernmental Relations Department Resolution to support closure of the Virginia Street border crossing. Districts 2, 3, 4 and 7 voted yea. District 6 and Mayor not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B071-087.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

ITEM-ND-1: (R-89-2352) ADOPTED AS RESOLUTION R-273541

Requesting the California Transportation Commission to adopt the dual freeway concept as the only alternative presented that meets the identified transportation needs for the segment of Interstate 5 in the San Diego region.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D590-665.)

MOTION BY STRUIKSMA TO ACCEPT THE ITEM FOR CONSIDERATION.

Second by Wolfsheimer. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY STRUIKSMA TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent the meeting was adjourned by Mayor O'Connor at 4:56 p.m. in honor of the memory of Dr. Danny Scarborough.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D665).